

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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CHRISTINE M. NAPIERSKI, an aggrieved candidate  
for public office in the Democratic Party, and  
EUGENE E. NAPIERSKI, an enrolled voter of the  
Democratic Party residing in the Town of Guilderland,

Plaintiffs,

vs.

THE GUILDERLAND DEMOCRATIC  
COMMITTEE, THE ALBANY COUNTY  
DEMOCRATIC COMMITTEE, JACOB  
CRAWFORD, Individually and as Chairman or Acting  
Chairman, Guilderland Democratic Committee, JACK  
FLYNN, individually and as Chairman or Acting  
Chairman, Albany County Democratic Committee,  
ALBANY COUNTY BOARD OF ELECTIONS,  
MATTHEW J. CLYNE, in his official capacity as  
Commissioner, Albany County Board of Elections,  
RACHEL L. BLEDI, in her official capacity as  
Commissioner, Albany County Board of Elections,  
BRYAN M. CLENAHAN, Candidate for Guilderland  
Town Justice, and GREGORY J. WIER, Candidate for  
Guilderland Town Highway Superintendent.

Defendants.

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**AFFIDAVIT OF  
GREGORY J. WIER**

Case 1:18-cv-00846

MAD/DJS

STATE OF NEW YORK    )  
                                  )ss.  
COUNTY OF ALBANY    )

Gregory J Wier, being duly sworn deposes and says;

1.     I am a defendant in this action. I am the appointed Town Highway  
Superintendent for the Town of Guilderland.

2. I am a candidate for the position of Town Highway Superintendent. I am the endorsed candidate of the defendant Guilderland Democratic Committee (“GDC”).

3. I strongly oppose plaintiffs’ application for injunctive relief which seeks to enjoin defendant GDC from holding a caucus on this Thursday, July 26<sup>th</sup> at 6:00pm at Tawasentha Park to select its candidates for Town Highway Superintendent and Town Justice.

4. Since my endorsement by defendant GDC, I have obtained the endorsements of the Town of Guilderland’s Conservative and Independence Parties. I have also solicited enrolled Democratic Party voters to attend the scheduled caucus in support of my candidacy. Over the past two months, my campaign for Town Highway Superintendent has focused on a successful caucus. I have made no arrangements, have not retained campaign staff, have not raised funds, have not arranged for the printing of campaign literature and signs, or otherwise not prepared for the rigors of a potential Democratic Party primary in a short six weeks.

5. Prior to becoming Town Highway Superintendent, I had been the Town of Guilderland’s Director of Parks & Recreation from May, 2015 to April 28, 2018, when I was appointed Town Highway Superintendent. In that capacity, I was responsible for managing the use of Town-owned parks including Tawasentha Park, and satisfying the needs of its patrons.

6. The Town does not charge a fee for entering Tawasentha Park after 5:00pm on weekdays. There is a booth, not a gate, and it is only staffed when there is anticipated

heavy daytime use of the pool. On every Thursday evening in July and August, the Guilderland Performing Arts Center hosts free concerts at 7:30pm without regard to Town residency. I have confirmed that there will be no park entrance fee for defendant GDC's caucus noticed for this Thursday evening at 6:00pm.

7. During my tenure as Town Parks' Director, I was actively and daily involved with the use of Tawasentha Park's large pavilion, the site of defendant GDC's caucus. From late June to early August, the large pavilion is the primary site for the Town's summer recreation program which has over 800 school aged day campers. Attached as Exhibit "A" are my July 20, 2018 photographs of the large pavilion.

8. At each annual summer program, the day campers included several campers with severe physical disabilities which required the use of wheelchairs or assisted mobility devices. Each summer, several students would arrive with crutches or other mobility aides. I have personally watched these disabled campers move with ease within the large pavilion, and to and from the large pavilion to the adjacent bathroom and parking area. At no time has any person, guardian, adult or student raised any concerns about mobility in and around the large pavilion, bathroom and parking lot.

9. As Parks' Director, I took pride in the summer program's inclusion of all students regardless of disability and personally witnessed their full use of the Park's facilities.

10. While Parks' Director, I also witnessed the use of Tawasentha Park and the large pavilion by adults in wheelchairs and scooters, including frequent and regular visits

by clients of the Capital District Center for Disabilities, Wildwood Schools, Living Resources, Brain Injury Awareness, Albany Med Kids, and families with disabled adults. These organizations which are devoted to providing services to disabled persons have reserved this year's use of the Park's facilities including the large pavilion. As with my observation of disabled students, I did not see, and was not apprised, that the Park's facilities were not fully accessible to all patrons, including the disabled. In my opinion, and as witnessed by interactions with disabled adults and students, these facilities are accessible.

11. Tawasentha Park is over 300 acres with more than 530 parking spaces, including 230 spaces closer to GPAC and more than 300 parking spaces. Attached as Exhibit "B" is a map of Tawasentha Park showing these locations.

12. Defendant GDC's caucus is scheduled for Thursday, July 26<sup>th</sup> at 6:00pm in the large pavilion. As described in paragraph 15, there are more than 300 parking spaces within easy walking distance (about 500 feet) of the large pavilion. There are 230 parking spaces within walking distance near GPAC. On that same night at 7:30pm, the Guilderland Performing Arts Center ("GPAC") is hosting a concert which is usually attended by approximately 300 patrons arriving in less than 100 vehicles. See Exhibit "B" attached hereto.

13. In any event, patrons arriving for defendant GDC's caucus will arrive at least 90 minutes before the start of the GPAC concert and should not be competing with the concert patrons. There are always a few early arrivals for the concert but those early

arrivals secure parking closest to GPAC and a very long walk from the large pavilion. I have never seen a GPAC event that required use of any parking spaces near the large pavilion.

14. During my tenure as Town Parks' Director, Tawasentha Park has hosted large participatory events, including the annual National Night Out and recent Hometown Heroes Banner Program and Moving Vietnam War Memorial which attract roughly 1500 patrons with open parking spaces still available. I am confident that Park's parking areas are more than sufficient to accommodate defendant GDC's caucus at 6:00pm and the GPAC concert at 7:30pm on Thursday, July 26<sup>th</sup>.

15. To manage large crowds, the Town employs temporary measures for anticipated large crowds, and will do so for this Thursday's caucus. These measures include:

- a. The Town has added signs for two second handicapped parking spaces and will on Thursday morning place cones for discharging wheelchair patron. Attached as Exhibit "C" are my July 20, 2018 photographs of the installed signage.
- b. The Town will install a sandwich board at the large pavilion's parking lot entrance which restricts usage of the lots to vehicles with handicapped stickers or drop offs. Attached as Exhibit "D" is my July 23, 2018 photograph of the temporary sign and its placement.
- c. The Town reserves the 30 car parking lot immediately adjacent to the large pavilion for handicapped persons and drop offs;
- d. The Park has 530 parking spaces, including 300 parking spaces within 500 feet of the large pavilion.

- e. The Park's existing bathrooms are ADA-compliant with wheelchair accessible stall, grab bars, and lowered sinks for access by impaired persons. Attached as Exhibit "E" are my July 20, 2018 photographs of the entry to the bathroom and stall in the men's bathroom.
- e. The Town will install an additional temporary ADA-complaint bathroom before the caucus. Attached as Exhibit "F" is my July 23, 2018 photograph of the temporary bathroom.
- f. The Town will allow defendant GDC, at its cost, to install tents adjacent to the large pavilion; and
- g. Town Police have been notified to direct traffic into the Park, and work with volunteers to direct patrons to additional parking spaces.

16. I have not been contacted by plaintiffs, their attorney or their architect about any concerns or issues with defendant GDC's use of the large pavilion for its caucus. The current Town Parks Supervisor and I would consider other reasonable accommodations offered by plaintiffs.

\_\_\_\_\_*s/Gregory J. Wier*\_\_\_\_\_  
Gregory J. Wier

Sworn to before me on July 23, 2018

\_\_\_\_\_*s/Darci Efaw*\_\_\_\_\_  
Notary Public

# EXHIBIT A

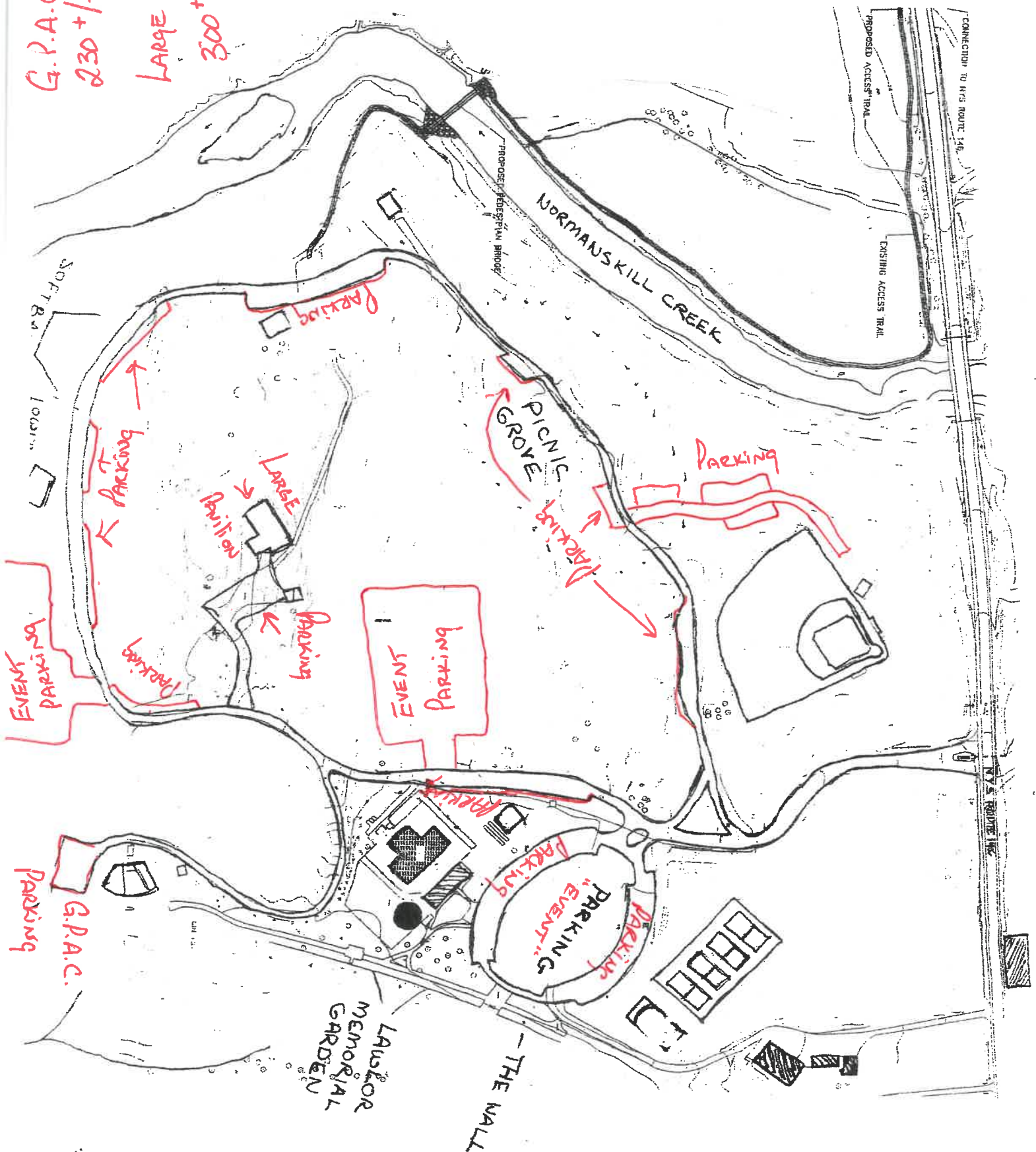








# EXHIBIT B



# EXHIBIT C









# EXHIBIT D



Handicapped &  
Special Permit  
**PARKING**

*Only*

**GPAC  
Staff**

# EXHIBIT E

















# EXHIBIT F

